

The Incorporated Village of  
Sea Cliff ~ Nassau County ~ New York

APPLICATION FOR LICENSE TO CONDUCT, MAINTAIN OR OPERATE,  
OR ENGAGE IN THE BUSINESS OF CONDUCTING, MAINTAINING OR  
OPERATING, A CABARET, DISCOTHEQUE, OR SIMILAR PLACE OF  
ENTERTAINMENT WITHIN THE VILLAGE OF SEA CLIFF.

I. Proof of permitted use required.

Prerequisite to and simultaneously with the filing of this application, the applicant shall file proof with the Village that the premises have a valid and currently effective certificate of pre-existing use authorizing the use and occupancy of the premises as a bar, restaurant, or other similar type of business legally permitted by and operating in accordance with the Zoning Ordinance of the Village of Sea Cliff.

II. Information required (All applicable questions must be answered).

1. The name, age and residence address of each applicant, and, if there are more than one (1) and they are partners, the partnership name and the age and residence address of each partner.

N.S. Metropolitan Rishco INC  
39 Roslyn Ave  
Sea Cliff, NY 11579

2. If the applicant is a stock corporation, the names and the residence addresses of its directors or other governing body, the names and residence address of its officers and, except in the discretion of the Village Board, the stockholders and the state under whose laws it is organized.

3. The street number of the premises to be licensed, if the premises has a street and number; otherwise state such description as will reasonably indicate the location thereof.

39 Roslyn Ave  
Sea Cliff, NY 11579

4. The name and address of the building or premises wherein or whereon the licensed premises is located.

39 Roslyn Ave  
Sea Cliff, NY 11579

5. Indicate whether the applicant is a lessee and, if so, the name and residence address of the lessor.

Mittrall Realty  
29 Hawthorne Avenue  
Sea Cliff, NY 11579





## NS METROPOLITAN BISTRO DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 20, 2021, on motion of the Chair, seconded by Mr. Wolner, and adopted three votes in favor and Mr. O'Donnell abstaining, the Board, having duly considered the matters brought forth at the public hearing, and other matters properly within the consideration of this Board and having discussed the subject application, rendered the following determination:

1. The applicant NA Metropolitan Bistro, Inc., is a tenant of premises located at 39 Roslyn Avenue, which is in the Village's Business A Zoning District. The premises are owned by RA Hendrickson Real Estate, Inc. and are designated as Section 21, Block 134, Lot 1 on the Nassau County Land and Tax Map. In July 2010, the Board granted the applicant a special permit and a modification of conditions of the previously issued special permit approvals to permit a restaurant to be operated at the premises. In June 2012, the Board again granted a special permit, to include seasonal outdoor seating. In December 2019, the Board granted approval for modifications to the special permit to permit year round outdoor seating in the patio area abutting Roslyn Avenue and for a variance of 8 parking spaces to increase the parking requirement from 52 to 60. The applicant now seeks to add outdoor seating for 50 patrons in the 10<sup>th</sup> Avenue courtyard area, seasonally from May to October. The proposed seating requires: (a) a special permit pursuant to Village Code §138-802 to permit the restaurant and outdoor seating, and (b) variances of the following Village Code sections: (i) 138-808, in that the awning will be set back 0 feet, where a minimum of 3 feet is required, and (ii) 138-1002, in that the courtyard use requires an additional 37 parking spaces, where no parking spaces are proposed on site.

2. The indoor portion of the restaurant presently accommodates 66 patrons, which includes 58 seats plus 8 bar seats. The Roslyn Avenue patio area accommodates up to 32 patrons. Thus, year round, the restaurant seats 98 patrons, at any one time. The additional seating in the courtyard area would provide for 148 possible seats, seasonally. The owner of the restaurant William Long testified that the most patrons ever served on any day is 152 plates, and the size of the kitchen restricts the ability to serve more than their historic pique service. The intent of this area is to provide an additional outdoor seating area for patrons to sit, as many customers have come to appreciate and prefer outdoor seating since the pandemic began over a year ago. The owner does not expect the maximum previous maximum plate service to be exceeded as a result of the additional area. During the pandemic, the applicant utilized this courtyard area, as permitted pursuant to temporary orders issued by the Village Board of Trustees and the Mayor. The Board is unaware of any complaints or parking concerns related to the use of the courtyard area since June 2020.



License No. 201901

**INCORPORATED VILLAGE OF SEA CLIFF**

**SEA CLIFF, NEW YORK**

**CABARET LICENSE**

**FINDINGS OF FACT**

1. **WILLIAM LONG** is the operator of a restaurant business known as Metropolitan Bistro and conducted on the premises located at 39 Roslyn Avenue (the "Subject Premises"), which is part of premises designated as Section 21, Block 134, Lot 1 on the Nassau County Land and Tax Map (the "Premises"). The Premises is located in a Business A Zoning District and is located on the corner of 10<sup>th</sup> Avenue and Roslyn Avenue.
2. The Premises is owned by Anne Hendrickson and is presently improved with a building used for commercial purposes. The Subject Premises is leased to NS Metropolitan Bistro, Inc. ("Metropolitan Bistro"). Applicant is a principal of Metropolitan Bistro.
3. Applicant requests a license pursuant to Chapter 50 of the Code of the Village of Sea Cliff (the "Village Code") to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, discotheque, or similar place of entertainment at the Premises.
4. Applicant submits that the Premises have a maximum of 168 persons, including staff and patrons awaiting service.
5. Applicant has requested a license for Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.
6. Nearby residents addressed the application.
7. The Subject Premises is permitted to be occupied as a restaurant in accordance with an approval obtained from the Village Zoning Board of Appeals.

**CONCLUSIONS OF LAW**

1. To use the Subject Premises as proposed, an application must be made for a license pursuant to Chapter 50 of the Village Code.
2. The Board has considered the application and the testimony presented at the public hearing, and finds that the application should be granted subject to the conditions set forth herein.
3. The Board hereby directs the Village Clerk to issue a License to applicant **William Long** pursuant to the provisions of Village Code chapter 50, subject to the following conditions:
  - a. Music shall be permitted on Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.

- b. The music shall be performed at a sufficiently low volume level, and the Premises shall contain sufficient sound attenuation or baffling, so as to permit persons located directly outside the building to speak in a modulated voice and be heard by others with whom they are conversing over the volume of the music. Sound proofing material, devices or modifications shall be added as necessary to satisfy this condition.
- c. No tables or chairs shall be moved to accommodate dancing while music is playing.
- d. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building.
- e. No shows, other entertainment or karaoke of any nature is permitted.
- f. No cover charge shall be permitted in connection with the music.
- g. All doors and windows in the restaurant area shall be kept closed during the performance hours except for normal and customary ingress and egress of patrons. The bay windows shall not be opened in any manner while music is playing at the Premises.
- h. Musicians may be located inside the rear of the Premises so long as the other conditions herein are met.
- i. Applicant shall obtain all necessary municipal approvals, and shall comply with all orders, rules, regulations and laws of municipal agencies, including the Nassau County Fire Marshal and Nassau County Department of Health.
- j. As set forth in the application, applicant acknowledges that service made on Shane Dommin of any notices or summonses issued by the Village or any Village designated employee with respect to violations of any law or any violation of the conditions set forth herein shall be deemed service upon William Long.
- k. Applicant shall provide additional noise attenuation features, if determined to be required by the building department either prior to the commencement, or during the term, of this license.
  - l. Compliance with all conditions and restrictions set forth in Village Code chapter 50.

Pursuant to Village Code §50-8, the License shall be effective from February 1, 2019 through January 31, 2022.

4. Based upon the representations of the applicant and the specific nature and intensity of the proposed use, the Board has granted the License requested with appropriate conditions. In accordance with the provisions of chapter 50, the License granted herein shall be limited to the applicant and the currently proposed use of the Subject Premises. The License shall not be transferred or assigned to any other person or used by any person other than the applicant, nor shall the License be used for any location other than the Subject Premises. Any change of ownership or in the operator of the restaurant or any change or modification of the use, even though the general nature of the modified use shall be similar or identical to the present use for a restaurant, shall require re-application to the Board.

5. The application is a Type II matter under the State Environmental Quality Review Act, the Board is the lead agency, and no further environmental review is required to be undertaken by the Board.

Dated: Sea Cliff, New York  
January 14, 2019

Incorporated Village of Sea Cliff



Edward Lieberman, Mayor



Marianne Lennon, Village Clerk